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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,016	04/04/2000	Gudrun Vandeginste	PHN 17,395	5698

24737 7590 06/07/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,016

Applicant(s)

VANDEGINSTE, GUDRUN

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Final Rejection mailed on 10-23-03 has been withdrawn and a new non-final rejection follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-20** are again rejected under 35 U.S.C. 103(a) as being unpatentable over **Miller et al.**, U.S. Pat. No. **6,411,306** in view of **Hayashi et al.**, U.S. Pat. No. **5,237,417**.

Considering claim **1**, Miller et al. discloses the following claimed subject matter, note;

a) the claimed apparatus for processing signals is met by the apparatus as described in the abstract and Fig. 4;

b) the claimed parameter control means controlling parameters of said signals is met by microprocessor 18, Fig. 5 (column 5, lines 21-66), where the step 10 of the processing step provides the controlling and adjustment of the parameter (such as luminance, contrast);

c) the claimed parameter control means being adapted to cause adjustments to said parameters in response to current ambient factors or properties of said signal which is met by the disclosure on column 5, lines 42-49 and Fig. 5, where the function step 7 demonstrates the adjustment in response to the surrounding luminance.

Except for;

d) the claimed indicator means;

Regarding d), Miller et al. do not specifically disclose indicator means for presenting a level indicator, indicative of the adjustments that have been made. However, Miller discloses a display controller 44 that controls the display device 22, (fig.4) and as is well known in the art of video or TV camera, the user may be capable of adjusting manually the desired parameters of the video or television camera.

Hayashi et al. disclose an apparatus for displaying television receiver operational parameters in a separate area of the screen. Character signals are supplied to the display control device for displaying the control data on the subsidiary screen area to display a variety of the control data on the subsidiary screen area of the television receiver without obstructing its main screen area to improve operability of the television receiver. (Abstract) In Fig.4, for example, Hayashi et al. disclose the controller controls the character generator "to display the characters of color hue, saturation, brightness and sharpness as adjustment parameters, and the current setting values for these parameters in the form of level bars 17..." (col. 5, lines 26-33, and line 53 through col. 6, lines 4)

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Therefore, it would have been obvious to those with ordinary skill in art at the time the invention was made to modify the system of Miller et al. by providing the adjustment indicator screen of Hayashi et al., in order to give the viewer or user a visual feedback or indication of the level or amount of adjustment that has been made to the receiver's monitor or the TV screen.

Considering claim 2, Miller et al. discloses the following claimed subject matter, note:

a) a control means for setting a preferred parameter level to be input into said parameter control means is met by the microprocessor 18 which stores default values in the memory 20 (column 5, lines 20-23).

b) the claimed parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said current ambient factors or properties of said signal is met by the disclosure on step 9 and 10 (fig.5) and, at column 5, lines 42-67, where in step S9 the system calculates image contrast adjustment based on surround luminance reading (ambient factor) and the displays initial image using adjusted display luminance (Ld) and image contrast setting.

Except for;

c) user control means for setting a preferred parameter level; and

d) wherein said preferred parameter level is selected by a user from a plurality of parameter levels.

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Regarding c) and d), Miller discloses a microprocessor 18. Microprocessors are well known in the art as devices that would accept user input command in order to change channels and/or display settings or parameters such as hue, color, brightness, contrast, etc. with the aid or use of a remote controller which of course is also well known in the art. Furthermore, the system of Miller et al teaches a display controller 44 which would allow a user to control the camera as all modern video cameras do.

Hayashi et al. disclose an apparatus for displaying the television receiver's operational parameters in a separate area of the screen as shown in Fig.4, for example, "to display the characters of color hue, saturation, brightness and sharpness as adjustment parameters, and the current setting values for these parameters in the form of level bars 17..." (col. 5, lines 26-33, and line 53 through col. 6, lines 4)

Therefore, the examiner submits that it would have been obvious to those with ordinary skill in the art at the time the invention was made to modify the system of Miller et al. by providing the adjustment indicator screen of Hayashi et al. which would be controlled by the remote controller being utilized by a user, in order to give the viewer a visual feedback or an indication of the level or amount of adjustment that has been made to the receiver's monitor or screen.

Considering claims **3**, **7**, **12**, and **14**, note that

a) the claimed limitation of wherein said signals comprise video signals is met by the display device as disclosed on column 6, lines 59-62 where a video signal display encompasses the required video signal;

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b) the claimed parameter comprises picture parameters which is met by the disclosure of Miller at column 5, lines 20-23;

c) the claimed ambient factor comprises ambient light is met by the display illumination sensor 14 (fig.4) and the disclosure where the surrounding luminance is considered as the ambient light. (see column 4, lines 38-41)

As to claims **4**, **10**, and **11**, see rejection of Claims 1,2 and 3, respectively.

Claims **5** and **6** are method claims of the apparatus claims 1 and 2, and the recited functional steps are impliedly performed by their corresponding apparatus claims. Thus, claims 5 and 6 are rejected for the same reasons as in claims 1 and 2, respectively.

Considering claims **8**, **9**, **13**, and **15**, the claimed limitation "wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation" is met by the disclosure on column 4, lines 38-41.

Considering claims **16** and **17**, Miller et al. disclose that their system is applicable to different of types of display devices and may be readily employed in a variety of devices that utilize electronic imaging (see column 6, lines 59-62). Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver. The examiner therefore submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Hayashi

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et al. as a method of operating television receiver in order to facilitate the display parameter adjustment that responses to both manual changes and ambient surrounding factor dependent changes.

Considering claims **18** and **20**,

a) the claimed wherein said signals comprises video signals is met by the display device and the disclosure that “[t]he invention is applicable to different types of display devices and may be readily employed in a variety of devices that utilize electronic imaging.” (see column 6, lines 59-62)

b) the claimed parameter comprises picture parameters is met by the disclosure “the microprocessor 18 retrieves default values (S3) from the memory 20 for the display luminance (I.sub.def), the surround luminance (S.sub.def), the display luminance (L.sub.def) and image contrast settings (.lambda..sub.def). An initial display illuminance reading (I.sub.I) is then taken from the display illumination sensor 14 (S4). (column 5, lines 20-23)

c) the claimed ambient factor comprises ambient light is met by the disclosure the where the surrounding luminance is considered as the ambient light (column 4, lines 38-43) and the changing lighting conditions (See abstract of the disclosure)

Considering claim **19**, the claimed limitation of wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation is met by the disclosure

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The display illuminance and surround luminance measurements are supplied to the microprocessor 18 which determines the appropriate luminance and contrast of the display device.” (column 4, lines 38-41)

Response to Arguments

4. Applicant's arguments filed March 18, 2004 have been fully considered but they are not persuasive. Response follows:

Applicant's Arguments

Miller does not mention using user inputs of the type disclosed in the Appellant's invention and has no element that is analogous to the Appellant's user "user command unit 112".

Examiner's Response

Independent claims 1 and 5, for example, do not recite or mention using user inputs. Only dependent claims do. Nevertheless, as shown above in rejecting the claims, Miller discloses an automatic luminance and contrast adjustment for display device. Fig. 4 discloses a camera utilizing such a display device. As is well known in the art, a video or a television camera has a manual parameter adjustment button(s) that allows the user to set a desired level of parameters for contrast, brightness, etc. Furthermore, as shown in the modification above, user inputs in order to adjust display parameters is

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notoriously well known in the art of cameras or televisions. Hence, the argument that the reference of Miller does not mention using user inputs, is unpersuasive, because Miller discloses video/television camera system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeong, U.S. Patent No. 6,281,895 discloses a level adjust display apparatus and method for on-screen display menu in image display device.

Kim, U.S. Patent No. 6,337,718 discloses a TV controlling method having adjust mode reset function.

Fujimori, U.S. Patent No. 5,995,162 discloses a video display apparatus and method for adjusting parameters on an on-screen display.

Kimoto et al., U.S. Patent No. 6,342,927 discloses a video display apparatus having an on-screen display and method and controlling brightness thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN *pmw*
May 28, 2004


MICHAEL H. LEE
PRIMARY EXAMINER